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Executive Director

**ARIZONA CORPORATION COMMISSION**

September 19, 2005

The Honorable Samuel Bodman  
Secretary of Energy  
1000 Independence Ave., SW  
Washington, D.C. 20585

The Honorable Gale Norton  
Secretary of Interior  
1849 C Street, NW  
Washington, D.C. 20240

Re: *Energy Policy Act of 2005: Indian Lands Rights-of-Way*

Dear Secretary Bodman and Secretary Norton:


The Arizona Corporation Commission (ACC) respectfully requests that the study authorized under Title 18 of the Energy Policy Act of 2005, Section 1813, begin as soon as possible. The study relating to Tribal Land Rights-of-Way is an important issue that deserves the immediate attention of your departments.

As you know, the State of Arizona has a major interstate transmission pipeline, El Paso Natural Gas, running through the Navajo Nation. These parties have been involved in ongoing talks to renegotiate the existing right-of-way easement. At this juncture, no agreement has been reached as the parties are still discussing the appropriate amount of compensation for continued use of the right-of-way. The report may serve as a means of resolving the impasse between the parties.

Part of the ACC's constitutional charge is to represent and safeguard the public utility consumers of Arizona. In recent years, Arizona has become increasingly dependent on natural gas. Any potential interruption in supply or increase in transportation costs would be felt by all Arizonans. This study could play a constructive role in addressing the concerns of both the Navajo Nation and El Paso Natural Gas. Therefore, we believe that the federal government should make the study on Tribal Land Rights-of-Way a top priority.

Thank you for your cooperation on this important matter.

Very Sincerely,

  
Jeff Hatch-Miller  
Chairman

  
Marc Spitzer  
Commissioner

  
William A. Mundell  
Commissioner

  
Mike Gleason  
Commissioner

  
Kristin K. Mayes  
Commissioner

Cc: Governor Janet Napolitano  
Members of the Arizona Congressional Delegation